

## REMARKS

### *Status of the Application*

Claims 1-29 are pending in the present application. Claims 1, 3, 4-11, 14, 15, 17, 18, 22, 23, and 25-29 have been amended. Claims 10-17 stand rejected under 35 U.S.C. §101 as being directed to non statutory subject matter. Claims 1-29 stand rejected under 35 U.S.C. §112, second paragraph, as indefinite.

### *35 U.S.C. §101 Rejection*

Claims 10-17 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants assume that the rejection of claim 17 as directed to non-statutory is in error; if it is not, applicants note that claim 17 is directed to a method and thus the rejection stated is inapposite.

Claims 10-16 are directed towards a computer-readable medium having stored thereon a first data packet. The data packet defines structural and functional interrelationships which permit the data packet's functionality to be realized, and is thus statutory. MPEP 2106(IV)(B)(1)(a).

### *35 U.S.C. § 112 ¶2*

Claims 1-29 stand rejected under 35 U.S.C. §112 ¶2 as indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Applicants appreciate the time spent by the examiner in the examination of the claims, and have attempted to remedy any deficiencies by amending the claims to more clearly recite the invention.

With respect to "said one or more masks" in claim 16, no change has been made, as claim 16 depends (ultimately) from claim 10, which includes "a second byte which indicates a presence of one or more masks in the first data packet" and thus antecedent basis is present for that phrase.

Applicants believe they have corrected all existing cases where clear antecedent bases are lacking.

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**PATENT**

Referring to paragraph 9 of the examiner's office action: the applicants respectfully feel that it is clear from lines 12-14 of claim 1 as currently amended that the claim as a whole refers to the situation in which a determination can be made that the (first) number of packets for which acknowledgement has not been received does not exceed a second number.

*Indication of Allowability*

Applicants appreciate the indication in paragraph 11 that the claims stand allowable over the art of record.

In view of the foregoing remarks, Applicants submit that the present application is in condition for allowance. Reconsideration of the rejections is respectfully requested.

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